



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

EXECUTIVE OFFICE

March 20, 2024

VIA ECF

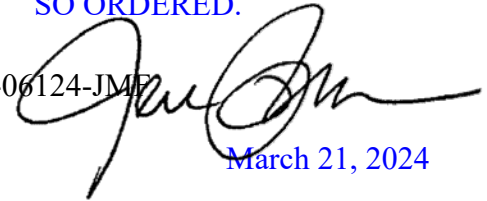
Hon. Jesse M. Furman  
United States District Court  
Southern District of New York  
40 Centre Street, Room 2203  
New York, New York 10007

The Court will hold the initial pretrial conference as scheduled, on March 26, 2024, at 4:00 p.m. The parties shall file a joint letter regarding the proposed briefing schedule and, as appropriate, interim deadlines for limited discovery in aid of settlement or otherwise no later than **March 25, 2024**, and be prepared to address those issues at the conference. The parties need not file a new proposed case management plan (or address issues beyond the above in their joint letter). The Clerk is directed to terminate ECF No. 258.

SO ORDERED.

Re: *State of New York v. Arm or Ally, LLC, et al.*, No. 22-cv-06124-JMF

Dear Judge Furman,



March 21, 2024

I write on behalf of all parties in the above-captioned case to provide an update on the status of this case.

On March 13, 2024, counsel to all parties met and conferred to discuss scheduling and the other matters identified in your February 26, 2024 order (ECF No. 246). At this conference, counsel for all non-defaulted defendants indicated that they plan to file a notice of appeal, seeking appellate review via the collateral order doctrine of the Court's decision on their motion to dismiss (ECF No. 245). They also indicated that they would move this Court to certify the decision for interlocutory review pursuant to 28 U.S.C. § 1292(b). The State anticipates that it will file papers in opposition to the motion for interlocutory certification.

At present, the parties are negotiating expedited briefing schedules for the collateral order appeal and § 1292(b) motion and a proposed partial stay of district court proceedings that would allow for prompt appellate review, while allowing for some limited voluntary discovery to enable settlement discussions during the pendency of the appeal process. We anticipate reaching agreement in the next few days, and we therefore ask that the Court permit us to file this proposed schedule on Monday, March 25, 2024. Given the imminent appeal, we also ask that the Court permit us to postpone the filing of a joint letter and proposed case management order and that the previously filed joint letter and proposed case management order (ECF No. 86 and 86-1) remain in effect until the resolution of the non-defaulting defendants' appeals.

Thank you,



Molly Thomas-Jensen  
Special Counsel